

**ENTERED**

August 31, 2022

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION****ALEXANDER MOSKOVITS,****Plaintiff,****VS.****MERCEDES-BENZ FINANCIAL  
SERVICES USA LLC, *et al.*,****Defendants.**§  
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§**CIVIL ACTION NO. 4:21-CV-02260****ORDER ADOPTING REPORT AND RECOMMENDATION**

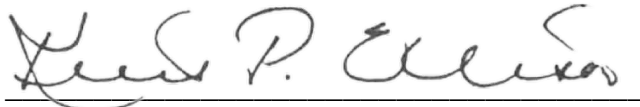
Before the Court are the motion to dismiss filed by Defendants Mercedes Benz Financial Services, USA, LLC (“Mercedes”) and ADESA Texas Inc d/b/a/ ADESA Houston (“ADESA”) (ECF No. 25), the motion to dismiss filed by Defendant Automotive Recovery Services (“ARS”) (ECF No. 37), and the motions for summary judgment filed by Plaintiff Alexander Moscovits (ECF Nos. 24 & 53). On July 18, 2022, United States Magistrate Judge Dena Hanovice Palermo issued a Report and Recommendation (“R & R”) in this case, recommending that Defendants’ motions to dismiss be granted and Plaintiff’s motions for summary judgment be denied as moot. (ECF No. 65). Plaintiff filed his objections on August 15, 2022, and Defendants filed their response on August 25, 2022. (ECF Nos. 68 & 70).

As required by 28 U.S.C. § 636(b)(1)(C), the Court has conducted a de novo review of the portions of the R & R to which Plaintiff objected. However, the Court agrees with the conclusions, and the reasoning, of the R & R. Accordingly, the Court hereby **ADOPTS** the R & R, **GRANTS** Defendants’ motions to dismiss, **DISMISSES WITH PREJUDICE** Plaintiff’s claims against Mercedes and ADESA, **DISMISSES WITHOUT PREJUDICE** Plaintiff’s

claims against ARS and “Unknown State and Federal Agents,” and **DENIES** as **MOOT** Plaintiff’s motions for summary judgment.

**IT IS SO ORDERED.**

**SIGNED** at Houston, Texas, on this the 31st day of August, 2022.

A handwritten signature in black ink, appearing to read "Keith P. Ellison", written over a horizontal line.

KEITH P. ELLISON  
UNITED STATES DISTRICT JUDGE